



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

VIA FEDERAL EXPRESS

April 14, 2014

EPA CERCLA Section 104(e) Request for Information

Margaret L. Costa, Senior Corporate Counsel
Liberty Mutual Group
For Liberty Mutual Insurance Company
175 Berkeley Street – 090
Boston, Massachusetts 02116

Re: CERCLA 104 (e) Request for Information Related to Omega Chemical Corporation Superfund Site; Earl Manufacturing Co., Inc.; and Real Property Located at 11862 Burke St., Santa Fe Springs, CA 90670

Dear Ms. Costa:

The United States Environmental Protection Agency ("EPA") is spending public funds to investigate and respond to the release or threatened release of hazardous substances into the soil, groundwater and indoor air at the Omega Chemical Corporation Superfund Site (the "Site"). The Site includes the former location of a used solvent and refrigerant recycling, reformulation, and treatment facility ("Omega Chemical") located at 12504 and 12512 Whittier Blvd. in Los Angeles, California. The term "Site", as used herein, refers to both the former Omega Chemical property and the areal extent (i.e., plume) of contaminated groundwater emanating from the Omega Chemical property.

In order to facilitate cleanup of hazardous substances at the Site, EPA divided the Site into three operable units ("OUs"): OU-1, OU-2 and OU-3. OU-1 is the former Omega facility and vicinity. OU-2 is the extent of commingled contamination in groundwater that is generally downgradient from the former Omega facility and now extends more than four miles downgradient of OU-1. The contamination in groundwater has commingled with chemicals released at other source areas. OU-3 refers to indoor air contamination from the Omega Site that has occurred in several buildings near the Omega Chemical property.

Groundwater investigations to date suggest that operations at various facilities in the area, in addition to the former Omega Chemical facility, have contributed to groundwater contamination through the use of volatile organic compounds ("VOCs"), including perchloroethylene ("PCE"), trichloroethylene ("TCE"), Freons 11 and 113, and other contaminants.

As part of its ongoing investigation of the Site, EPA is seeking to determine the nature and extent of contamination at the Site, to assess the effects of contamination on the environment and public health, and to identify activities and parties that have or may have contributed to contamination at the Site.

We have received and reviewed Liberty Mutual's January 29, 2014 response to EPA's January 6, 2014 information request relating to Liberty Mutual's insured, Earl Manufacturing Co., Inc., and 11862 Burke Street, Santa Fe Springs, CA 90670. We appreciate Liberty Mutual's response, and the information provided therewith. Based on our review of Liberty Mutual's response, and our further investigation of the Site, we believe Liberty Mutual may have additional information that may assist EPA in its investigation of the Site. Consequently, we are hereby requesting additional information from Liberty Mutual.

We request that you provide a complete and truthful written response to this Information Request and questions in Enclosure B **within thirty (30) calendar days** of your receipt of this letter. Instructions on how to respond to the questions are described in Enclosure A. Please return your written response to:

Keith Olinger, SFD-7-5
U.S. Environmental Protection Agency, Region IX
Superfund Division
75 Hawthorne Street
San Francisco, California 94105

Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §9604(e), EPA has broad information-gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility;
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and
- (c) Information relating to the ability of a person to pay for or perform a cleanup.

Please note that your compliance with this Information Request is mandatory. Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). This statutory provision authorizes EPA to seek the imposition of penalties of up to \$37,500 per day of noncompliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. §1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential business information (“CBI”), as described in Title 40 of the Code of Federal Regulations, Subchapter A, Part 2, Subpart B (40 C.F.R., §2.201, *et seq.*). Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality. Please be aware that EPA will maintain information consistent with the Privacy Act of 1974, 5 U.S.C. §552a, as amended.

This request for information is not subject to review by the Office of Management and Budget (“OMB”) under the Paperwork Reduction Act because it is not an “information collection request” within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). See also 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §3502(4), (11); 5 C.F.R. §§1320.4 and 1320.6(a).

Your response should include the appropriate name, address, and telephone number of the person to whom EPA should direct future correspondence in regard to this matter on behalf of your company.

If you have questions regarding this Information Request, please contact Steve Berninger, Assistant Regional Counsel, at (415) 972-3909, or Keith Olinger, Enforcement Officer, at (415) 972-3125. If you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Lynda Deschambault at (415) 947-4183.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in dark ink that reads "Kathi Moore". The signature is fluid and cursive, with the first name "Kathi" and last name "Moore" clearly distinguishable.

Kathi Moore, Manager
Case Development/Cost Recovery Section
Site Cleanup Branch
Superfund Division

Enclosures (2)

- Enclosure A (Instructions and Definitions)
- Enclosure B (Information Request)

cc: Steve Berninger, EPA
Lynda Deschambault, EPA
Keith Olinger, EPA

ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

Instructions:

1. Answer Each Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained. For the definition of “you” and other terms, please see the Definitions section below.
2. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
5. Identify Sources of Answer. For each question, identify all the persons and documents that you relied on in producing your answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b). If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. clearly identify the portions of the information alleged to be entitled to confidential treatment;
 - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - c. measures taken by you to guard against the undesired disclosure of the information to others;
 - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
 - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
 - f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.
 - g. To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.
 - h. All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.
9. Disclosure to EPA's Authorized Representatives. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

Department of Toxic Substances Control/
California Environmental Protection Agency

ENCLOSURE A

Toeroek Associates, Inc.
EPA Contract Number EP-BPA-11-W-001

CH2M Hill, Inc.
EPA RAC Contract Number EP-S9-08-04

Toeroek Herndon Joint Venture
EPA Contract Number EP-R9-12-02

ITSI, Inc.
EPA RAC Contract Number EP-S9-08-03

Techlaw
EPA ROC Contract Number EP-W-07-066

CB&I / Shaw Environmental & Infrastructure, Inc.
EPA RAC Contract Number EP-S9-13-02

Any subsequent additions or changes in EPA contractors who may have access to your response to this Information Request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory, and indexing; to assist with document review and analysis for verification of completeness; or to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. §2.310(h), you may submit comments on EPA's disclosure of any confidential information contained in your response by EPA to its authorized representatives along with the response itself, within the thirty (30) calendar day period in which the response is due.

10. Objections to Questions. If you have objections to some or all of the questions contained in the Information Request letter, you are still required to respond to each of the questions.

Definitions:

1. The term “you” or “Liberty Mutual” should be interpreted to include the addressee of this Information Request, and its officers, directors, managers, employees, contractors, trustees, predecessors, successors, assigns and agents.
2. The term “person” shall include any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.
3. The term “waste” or “wastes” shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge.
4. The term “hazardous waste” shall have the same definition as that contained in Section 1004(5) of RCRA.

5. The term “hazardous substance” shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
6. The term “release” has the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
7. The term “pollutant or contaminant” shall have the same definition as that contained in Section 101(33) of CERCLA and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.
8. The term “materials” shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.
9. The term “document” includes any written, recorded, computer generated or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.

ENCLOSURE B: QUESTIONS (INFORMATION REQUEST)

Note: The term “Property” refers to the property located at 11862 Burke Street, Santa Fe Springs, California.

1. State the full legal name, address, telephone number, position(s) held by and tenure of the individual(s) answering any of these questions on behalf of Liberty Mutual Insurance Company (“Liberty Mutual”).
2. Please provide a narrative answer to Question 2(e) of EPA’s January 6, 2014 information request concerning Earl Manufacturing Co., Inc. (“Earl Manufacturing”) and the Property. The text of Question 2 of EPA’s January 6, 2014 information request is provided in italics below:
 2. *Identify all property, pollution, casualty, environmental and/or liability insurance policies, and any other insurance contracts referencing the Property or facilities located at the Property, held by Earl Manufacturing Company from the time Earl Manufacturing Company began operations at, or assumed ownership of (whichever occurred earlier), the Property until the present. In identifying such policies, state:*
 - a. *The name and address of each insurer and of the insured;*
 - b. *The type of policy and policy numbers;*
 - c. *The effective dates for each policy;*
 - d. *The per occurrence policy limits of each policy;*
 - e. *A description of the insured’s efforts to file any claims relating to soil and/or groundwater contamination at the Property, under each policy, as well as the outcome of such efforts; and*
 - f. *Identify all insurance brokers or agents who placed insurance for Earl Manufacturing Company. Identify by name and title, if known, individuals at the agency or brokerage most familiar with your property, pollution and/or liability insurance program and the current whereabouts of each individual, if known.*
3. In response to Question 2(e) of EPA’s January 6, 2014 information request concerning Earl Manufacturing and the Property, Liberty Mutual’s January 29, 2014 response stated that two claim files relating to groundwater contamination at the Property had been located. Liberty Mutual stated that the claim file identified as PX21D-002479-01 pertained to the claim by claimant CA Regional Water Quality Control Board to Earl Manufacturing, and that the claim file identified as PX21D-002480-01 pertained to the claim by claimant U.S. EPA to Earl Manufacturing. Liberty Mutual indicated that copies of responsive, non-privileged documents would be made available for inspection in Liberty Mutual’s offices in Boston. We are requesting again that Liberty Mutual please provide paper or electronic copies of responsive documents by delivery to EPA at the address provided, and otherwise follow the instructions provided in Enclosure A of this Information Request. If you believe the information requested is confidential business

information, please follow the procedures outlined in Enclosure A. As noted above, you may not withhold the information upon this basis.

4. Please provide a narrative description of the contents of the claim files PX21D-002479-01 and PX21D-002480-01, including the date, title, author, and a description of each document within each claim file.
5. Identify all previous settlements entered into by Liberty Mutual with and/or concerning Earl Manufacturing and/or the Property that relate in any way to environmental liabilities and/or to casualty, liability and/or pollution insurance coverage, including: a) the date of the settlement; b) the scope of release provided under such settlement; and c) the amount of money paid by Liberty Mutual pursuant to such settlement, and to whom the money was paid. Provide copies of all such settlement agreements.



December 17, 2014

Dear Customer:

The following is the proof-of-delivery for tracking number **594832997366**.

Delivery Information:

Status:	Delivered	Delivery location:	175 BERKELEY ST BOSTON, MA 02116
Signed for by:	J.DILORETO	Delivery date:	Apr 15, 2014 08:57
Service type:	FedEx Priority Overnight		
Special Handling:	Deliver Weekday		
	Direct Signature Required		

Shipping Information:

Tracking number:	594832997366	Ship date:	Apr 14, 2014
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Recipient:

Margaret L. Costa
Liberty Mutual Group
175 Berkeley Street-090
BOSTON, MA 02116 US

Shipper:

Omega
Toeroek Associates, Inc.
1300 Clay Street
Suite 450
OAKLAND, CA 94612 US
9063-006

Reference

Thank you for choosing FedEx.